

<b>NEVADA DEPARTMENT OF CORRECTIONS</b>	<b>SERIES 500 CLASIFICATION AND MANAGEMENT OF INMATES</b>	<b>SUPERSEDES: AR 523 (07-01-00)</b>
<b>ADMINISTRATIVE REGULATIONS MANUAL</b>	<b>ADMINISTRATIVE REGULATIONS 523 RESIDENTIAL CONFINEMENT PROGRAMS TEMP</b>	<b>EFFECTIVE DATE: 04/05/04</b>

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<u>MANDATORY REVIEW DATE</u>	<u>07/01/05</u>
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## **PURPOSE**

To coordinate inmate placement into available programs through community cooperation and support.

To affect a graduated release of a qualified inmate population through decreased supervision and increased inmate responsibilities.

## **AUTHORITY**

NRS 209.425  
209.427  
209.429  
209.392

## **RESPONSIBILITY**

The assignment of inmates to residential confinement will be the responsibility of the Offender Management Division.

## **DEFINITIONS**

**DEPARTMENT** – The Nevada Department of Corrections

**DUI PROGRAM – (305 PROGRAM)** – A two phase DUI Offender Alcohol Treatment Program offered to minimum custody male and female inmates within the Department at designated facilities; the second phase is a residential confinement program, for qualifying inmates, which is supervised by the Division of Parole and Probation.

**NEVADA CORRECTIONS INFORMATION SYSTEM (NCIS)** – An integrated, micro-computer based information system used to manage the inmate population through the employment of applications related to count, supervision, sentence management, classification and casework, planning and statistical activities.

**POSSIBLE PAROLE/POSSIBLE DISCHARGE DATE** – The earliest date an inmate is eligible for release on parole or expiration of sentence.

**PROBABLE PAROLE/PROBABLE DISCHARGE DATE** – The estimated date that an inmate is likely to be released, based on individual case factors. This may or may not be the inmate's earliest projected parole or discharge date.

**RE ENTRY COURT PROGRAM** – A community based program administered by participating District Courts within the State of Nevada and supervised by the Division of Parole and Probation.

**RESIDENTIAL CONFINEMENT PROGRAM – (317 PROGRAM)** – A non-violent residential confinement program supervised by the Division of Parole and Probation.

**WARRANTS COORDINATOR** – Designated staff person within the Offender Management Division who officially documents holds and detainers on behalf of other agencies, for use by Nevada Department Of Corrections.

## **APPLICABILITY**

This regulation applies to all inmates within the Department.

## **PROCEDURES**

### **523.01 GENERAL PROVISIONS OF RESIDENTIAL CONFINEMENT**

1.1 An assignment to residential confinement is considered to be a continuation of incarceration in the Department and has the same effect of an assignment to an identified custody and institution administered by the Department.

1.2 If an inmate violates any law or any rules, procedures, or policies of the Department, or the Division of Parole and Probation, they may be returned to the physical custody of the Department and subject to the Department's disciplinary process as soon as practical after that return.

1.3 Inmates assigned to a residential confinement program are not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

1.4 For any type of residential confinement release, the victim services coordinator of the Department will notify any victims of the offender who have identified themselves to the Department prior to releasing inmates to a Residential Confinement Program, as described in the Department's Administrative Regulation 154.

#### **1.5 Escape**

1.5.1 Any inmate who escapes from a residential confinement assignment regardless of the type of program, is deemed to be an escapee from the Department.

1.5.2 Upon discovering that the inmate is not at an approved location, or has departed from the approved location, the Division of Parole and Probation notifies the Department's Warrants Coordinator of the escape, providing identification data for entry into National Crime Information Center (NCIC).

1.5.2.1 Staff phone numbers in calling priority will be provided to the Division of Parole and Probation by the Offender Management Division.

1.5.2.2 The Warrants Coordinator of the Offender Management Division will complete a retake warrants, and input the information into the NCIC.

1.5.2.3 The Division of Parole and Probation provides the Offender Management Division with a report on the escape of the inmate as soon as possible.

1.5.2.4 The Division of Parole and Probation completes the referral for prosecution packet and forwards it to the Attorney General's Office.

1.5.2.5 If an inmate is returned to the Department due to misconduct or escape, he may be subject to restitution as per NRS 209.246.

1.6 Interstate compact or contract inmates, whether housed in or out of state are not eligible for any of these programs.

### **523.02 DUI OFFENDERS – (305 PROGRAM)**

1.1 Only those inmates who are incarcerated for DUI Death, DUI Substantial Bodily Harm or DUI, will be referred to this program.

1.2 Candidates for this program must be within 1 year of a possible parole or discharge on their last sentence.

1.3 Inmates who have current or prior gross misdemeanors or violent felony convictions are ineligible for phase II of the DUI Program.

- If violence was a contributing factor to an offense this may exclude an inmate from participating in the program.

1.4 Participants in this program must be otherwise eligible for minimum custody under the requirements of the Department's Administrative Regulation 521.

1.5 Candidates for involvement in this program must have a reasonable prospect of employment, or education and rehabilitation in a Nevada community, approved by the Division of Parole and Probation. Participants in this program must have a residence within the State of Nevada approved by the Division of Parole and Probation.

1.6 The DUI Program consists of two phases.

1.6.1 The first phase is a period of substance abuse treatment education operated by the Nevada Department of Corrections.

1.6.1.1 The inmate must successfully complete this Substance Abuse Treatment Program before he is eligible for the second phase of the program.

1.6.2 The second phase of the program is a residential confinement phase operated by the Division of Parole and Probation.

1.6.2.1 An offender participating in residential confinement, phase II portion of this program must have the ability to reimburse the Division of Parole and Probation for some or all of the cost of their supervision in the community.

1.6.2.2 Candidates for the DUI/Residential Confinement Program must receive the approval of the Department for this program using the standard classification process defined in the Department's Administrative

## Regulation 521.

### 1.7 Placement

1.7.1 During Phase I of the treatment program the candidate for residential confinement will provide the Division of Parole and Probation with a release plan that includes a residence, employment or educational/rehabilitation program.

1.7.2 The Division of Parole and Probation investigates the release plan submitted by the offender and either approve or disapprove the plan.

1.7.3 In the event that the plan is disapproved, the inmate may submit an alternative plan at some point prior to his release on parole or discharge.

1.7.4 All disagreements between the Division of Parole and Probation or the Department of Corrections regarding the inmate's suitability for assignment to residential confinement must be settled by consensus between the Director and the Chief of Parole and Probation or the inmate may not be released on residential confinement.

### 1.8 Supervision

1.8.1 The supervision of the inmate on Phase II, residential confinement is the responsibility of the Division of Parole and Probation.

1.8.2 The Division of Parole and Probation uses electronic monitoring to assist them in this supervision.

1.8.3 The Department will provide transportation of the offender to the community where the inmate intends to reside, and coordinate with the local office of the Division of Parole and Probation for the transfer of supervision.

1.8.4 If inmates violate any rule of the Code of Penal Discipline, or the Division of Parole and Probation, or a law, they will be returned to the custody of the Nevada Department of Corrections by the Division of Parole and Probation. **(3-4390)**

1.8.4.1 The Division of Parole and Probation provides the Department of Corrections with a report of the misconduct as soon as practical after the return of the inmate.

1.8.4.2 An inmate returned for any misconduct to the Department will be subject to action under the Code of Penal Discipline. The inmate will be charged by institutional staff, using the report of the Division of Parole and Probation as the basis for the charges.

1.8.4.3 Evaluation, record keeping and participants will be completed by the Department's Offender Management Division. **(3-4390)**

### **523.03 RESIDENTIAL CONFINEMENT- (317 PROGRAM)**

1.1 The program of residential confinement for non-violent offenders is a program for inmates who are not DUI offenders as indicated in 523.02.

1.2 Only those inmates who meet the following criteria will be referred for possible assignment to the 317 Residential Confinement Program:

1.2.1 No conviction, either felony or misdemeanor, for a crime involving the use or threat of violence.

1.2.2 No conviction for a sex offense, or an offense involving sexual misconduct.

1.2.3 Must be eligible for minimum custody as described in the Department's Administrative Regulation 521.

1.2.4 Must be within 1 year of probable parole or discharge.

1.2.5 Must have no more than 1 prior felony conviction. Concurrent sentences are considered to be separate felonies if they arise out of separate criminal incidents.

1.2.6 Must be able to provide a program of employment, or educational/rehabilitation in a Nevada community.

1.2.7 Must have a residential program within a community of the State of Nevada that is approved by the Division of Parole and Probation.

1.2.8 Must have the demonstrated ability to pay for all of the costs of his supervision while on residential confinement.

1.2.9 Candidates for involvement in this program must have a reasonable prospect of employment, or education and rehabilitation in a Nevada community, approved by the Division of Parole and Probation. Participants in this program must have a residence within the State of Nevada approved by the Division of Parole and Probation.

1.3 An inmate who requests assignment to 317 must complete the classification process as defined in the Department's Administrative Regulation 521.

1.3.1. If approved by the classification process for assignment to 317, the inmate will be referred to the Division of Parole and Probation for investigation of the

release, and employment or education program.

1.3.2 The Division of Parole and Probation will investigate this program, and either approve or disapprove the inmate for residential confinement.

1.3.3 In the event of disagreements between the Division of Parole and Probation and Department regarding the suitability of a residential confinement candidate, the Director of the Department has the legislated authority to render the final decision.

1.4 If the inmate is approved by the Division of Parole and Probation for assignment to 317, the Department will be responsible for the transportation of the inmate to the community where the inmate's program has been defined, and will coordinate with the Division of Parole and Probation for the transfer of supervision.

1.5 The Departments victims services coordinator, will notify any victims who are documented with the Department prior to the release of the inmate on residential confinement.

1.6 The Division of Parole and Probation supervises the inmate, making use of electronic monitoring to assist in that process.

1.7 In the event of misconduct, the inmate will be managed in the same manner as described in 523.02, 1.8 Supervision.

1.8 In the event of an escape of an inmate, the process is defined in paragraph 523.01, 1.6 Escapes.

#### **523.04 RE-ENTRY COURT - (DRUG COURT PROGRAM)**

1.1 The criteria for participation in the Re-Entry Court residential confinement program is listed below:

1.1.1 The inmate must have a program of employment in the community, or accept assistance from the presiding district court Judge in locating suitable employment. Employment plans must be located within the county of the supervising Court.

1.1.2 The inmate must demonstrate the ability to pay all of the cost's associated with their treatment while in the program. In addition, the inmate must have the ability to pay all restitution assessed by the courts during sentencing on the instant offense.

1.1.3 The inmate must be within 2 years of a probable release by either parole or discharge.

1.1.4 The inmate can have no felony conviction which involved the use or threat of force or violence, within the past five (5) years.

- 1.1.5 The inmate can never have been convicted of any crime of sexual misconduct.
- Arrests involving sexual misconduct will be reviewed on a case by case basis.

1.1.6 Inmates should be otherwise eligible for minimum custody as defined in the Department's Administrative Regulation 521, with the exception of the time frame for release.

1.2 The inmate reimbursement schedule is listed below:

1.2.1 Treatment cost shall be determined by the Re-Entry Court Judge and collected according to their program procedures.

1.2.2 Supervision cost shall be determined by the Division of Parole and Probation and collected according to their program procedures.

1.2.3 Restitution shall be determined by the court of jurisdiction in consult with the Re-Entry Court and collected according to their program procedures.

1.3 Return of an inmate - The process for the return of an inmate due to misconduct is the same as described in section 523.02, 1.8 Supervision.

1.4 Escape - An escape from Re-Entry Court is managed in the manner described in section 523.01, 1.5 Escape.

1.6 Classification

1.6.1 Inmate candidates for participation in Re-Entry Court will be approved and assigned using the classification process as defined in the Department's Administrative Regulation 521.

1.6.1.1 The initiation of the classification request can be by either the inmate, the Re-Entry Court, the sentencing court, or the appropriate correctional staff.

1.6.1.2 This referral or Re-Entry Court Packet will consist of items listed in the Offender Management Division Procedure.

1.6.1.3 Re-Entry Court Packets are to be prepared by facilities/institutions and forwarded to the Division of Offender Management.

1.6.1.4 When approved by the Offender Management Division, the packet will be referred to the Re-Entry Court's Advisory board for their approval.

- Upon initial approval based on the packet, the Advisory Board will



schedule a personal interview with the inmate.

- The cover letter will reflect clearance regarding any wants/warrants and victim notification.

1.6.2 Release for Re-Entry Court Clark County will take place when Parole and Probation has acknowledged completion of the residence/employment verification, the Department will ensure that the inmate is transferred to the custody of the Division of Parole and Probation for placement in the Re-Entry Court Program.

1.6.3 Release for Re-Entry Court Washoe County will take place once the Court Services Coordinator has verified acceptance into the designated residential program, financial capabilities and concluded that no wants/warrants or victim notification, verified through the Department, precludes release.

### **523.05 COMPASSIONATE RELEASES - (298 PROGRAM)**

1.1 The Director will designate a departmental administrator to review and coordinate all requests.

1.2 NRS 209.3925 provides for the residential confinement of individuals who are physically handicapped or terminally ill.

1.3 The criteria for placement on a compassionate release requires that:

1.3.1 The inmate is so physically handicapped, that they do not, or likely will not in the future pose a threat to public safety, or:

1.3.2 The inmate is in such ill health that they are expected to die within 12 months, and there is a high probability that they will not represent a threat to public safety.

1.3.3 An inmate is excluded from this program if they:

1.3.3.1 Are serving a sentence of Life Without the Possibility of Parole.

1.3.3.2 Are pending a sentence of Death.

1.3.3.3 Have previously been incarcerated under a sentence of Death.

1.3.4 There are no other offense or sentence qualification criteria that an offender for a compassionate release needs to meet.

1.4 Candidates for compassionate release will be identified by the Medical staff of the Department of Corrections.

- 1.4.1 It will be the responsibility of the Medical Director to obtain two letters from physicians, one of whom is not employed by the Department of Corrections to verify that the inmate is physically incapacitated, or is in ill health and is expected to die within the next 12 months.
- 1.4.2 These letters will be communicated to the Administrator of the Division of Offender Management.
- 1.4.3 The Medical Director is to provide a treatment and release plan with the letters that describe the inmate's illness, in order to ensure that the inmate has appropriate medical resources for his care in the community.
- 1.5 The Administrator of the Offender Management Division should review the legal status of the inmate, and the inmate's criminal history.
- 1.5.1 The Administrator will prepare documents for the Director, which includes the doctor's letters, and a recommendation to the Director regarding the likelihood that the inmate will not pose a threat to public safety in the future.
- 1.5.2 This recommendation will take into account the inmate's opportunities for a more conventional release either through parole, discharge, or pardon.
- 1.6 The Department's victim services coordinator will notify any victims who are registered with the Department concerning the Department's intention to release the inmate on compassionate release and invite their comment on the proposed release.
- 1.6.1 The inmate must authorize in writing any victim or family of the victim to review the inmate's medical file.
- 1.6.2 Submissions will be documented by the Department's victim services coordinator.
- 1.7 If the inmate is approved for a compassionate release by the Director, the Administrator of the Offender Management Division will prepare a letter to the Board of County Commissioners in the county in which the inmate will reside, indicating the intention of the Department to place the inmate on compassionate release; and the reasons for that action; as well as the location where the inmate will reside.
- 1.8 The Administrator of the Offender Management Division will prepare a letter with all documents supporting this decision to the Division of Parole and Probation indicating the intent to place the inmate on compassionate release, and the release plan for the inmate.

1.9 The release of the inmate will not occur until 45 days have elapsed from the notice given to the Board of County Commissioners. Notice will assumed to have been made to the County Commissioners three days after mailing of the required notice.

1.10 The Department will coordinate the transportation of the inmate to the community for transfer of supervision to the Division of Parole and Probation. The Division of Parole and Probation supervises the offender using electronic monitoring technology.

1.11 If an inmate violates any rule of the Code of Penal Discipline, or the Division of Parole and Probation, or law, they will be returned to the custody of the Department by the Division of Parole and Probation using the procedure described in section 523.02, 1.8 Supervision.

1.12 Compassionate Release Escape - The procedure described in section 523.01, 1.6 Escape will be used for any inmate who escapes from Compassionate Release.

1.13 The inmate is not entitled to participate in any programs provided by the Department.

- The Department is not responsible for the medical care of inmates released on compassionate release.

1.14 Upon the death of the inmate, the Division of Parole and Probation will notify the Offender Management Division of the demise of the inmate, and the cause of death. Neither the inmate nor his heirs are authorized any death benefit, or financial consideration for funeral arrangements from the Department.

## REFERENCES

ACA Standards 3-4391 and 3-4390

## ATTACHMENTS

Conditional Release Application, DOC-2036

Conditional Release Application, Re-entry Court, DOC 2037

\_\_\_\_\_  
Jackie Crawford, Director

\_\_\_\_\_  
Date

**CONFIDENTIAL**

\_\_\_\_\_  
Yes

XX  
No

**THIS PROCEDURE SUPERSEDES ALL PRIOR WRITTEN PROCEDURES ON THIS SPECIFIC SUBJECT.**